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Customer No. 26874  
PATENT TRADEMARK OFFICE  
Attorney Docket: 10872.0517745



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Whitsett : Paper No:  
Serial No. 10/772,716 : Group Art Unit:  
Filed: February 5, 2004 : Examiner:  
For: DIAGNOSIS, PROGNOSIS, AND TREATMENT OF PULMONARY  
DISEASES

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, Applicant herewith submits certain information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The information is listed below, and is also listed on the attached form PTO-1449.

**U.S. REFERENCES:**

<b><u>References</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
US 5,252,479	Srivastava	October 12, 1993

No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

The required fee of \$180.00 is enclosed. The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC's Deposit Account No. 06-2226.

Respectfully submitted,

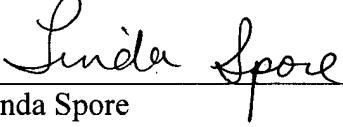
JEFFREY A. WHITSETT

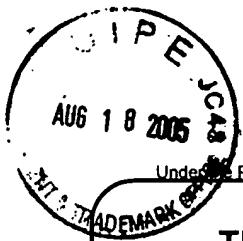
By

  
Stephen R. Albainy-Jenei  
Registration No. 41,487  
Telephone (513) 651-6839  
FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202-4182  
(513) 651-6839 voice  
(513) 651-6981 facsimile

**CERTIFICATE OF MAILING**

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 16<sup>th</sup> day of August, 2005.

  
Linda Spore



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

		Application Number	10/722,716
		Filing Date	February 5, 2004
		First Named Inventor	Jeffrey A. Whitsett
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	6	Attorney Docket Number	10872.0517745

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO 1449 (1 Page); Check (\$180); Return Postcard.
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement		<input type="checkbox"/> Remarks
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frost Brown Todd LLC		
Signature			
Printed name	Stephen R. Albainy-Jenei		
Date	8-16-05	Reg. No.	41,487

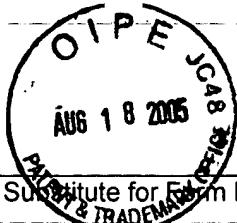
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Linda E. Spore	Date	8/16/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



26874

PATENT TRADEMARK OFFICE

Substitute for Form PTO 1449

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

**Complete if Known**

<b>Application No.</b>	10/772,716
<b>Filing Date</b>	February 5, 2004
<b>First Named Inventor</b>	Jeffrey A. Whitsett
<b>Art Unit</b>	
<b>Examiner Name</b>	

<b>Sheet</b>	1	<b>of</b>	1	<b>Attorney Docket No.</b>	10872.0517745
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**U.S. PATENT DOCUMENTS**

Examiner initials	Cite No.	<b>DOCUMENT NUMBER</b>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind code <sup>2</sup> (if known)			
		US- 5,252,479	10-12-1993	Srivastava	
		US-			
		US			
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind code <sup>5</sup> (if known)				

**OTHER PRIOR ART – NON-PATENT LITERATURE DOCUMENTS**

Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>

EXAMINER SIGNATURE \_\_\_\_\_

DATE CONSIDERED \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.